

alley or public ground or from any cause, for which the city would be liable; and such insufficiency, want of repair, defect or incumbrance or other cause of such injury or damage, shall arise from, or be produced or caused by the wrong, neglect of duty, default or negligence of any person or corporation, such person or corporation, so guilty of such wrong, neglect of duty, default or negligence, shall be primarily liable for all damages for such injury and the person sustaining such damages shall have a right to sue for and recover the same against such person or corporation in any court having jurisdiction thereof, and the said city shall not be liable therefor until all legal remedies shall have been exhausted to collect such damages from such person or corporation.

SECTION 5. All acts and parts of acts which contravene the provisions of this act are hereby repealed.

SECTION 6. This act shall be considered a public act, and shall take effect and be in force from and after its passage and publication.

Approved March 3, 1876.

CHAPTER 103.

[Published March 7, 1876.]

AN ACT to incorporate the city of Platteville.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

CHAPTER I.

CITY OF PLATTEVILLE—ITS CORPORATE POWERS.

SECTION 1. All that district of country in the county of Grant hereinafter described, shall be a city, by the name of Platteville, and the people now inhabiting, and those who shall inhabit said district, shall be a municipal corporation, by the name of the city of Platteville, and shall have the general powers possessed by municipal corporations, at common law, and in addition thereto, shall have and possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession, and shall be capable of contracting and being contracted with, ^{Corporate powers.}

suing and being sued, pleading and being impleaded, in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

CITY BOUNDARIES.

City bound-
aries.

SECTION 2. All the territory within Grant county described as follows, to-wit: the southeast quarter of section nine (9), the south half of section ten (10), the southwest quarter of section eleven (11), the west half of section fourteen (14), all of section fifteen (15,) and the east half of section sixteen (16), in town three (3) north of range one (1), west of the 4th principal meridian, shall be included in and constitute the city of Platteville; *provided*, that the question of the adoption of this act as a charter of such city, shall be submitted to the electors of such territory before such charter shall be in force. For the purpose of determining such question, the qualified electors residing in such territory shall meet on the 4th Tuesday in March, A. D. 1876, at ten o'clock in the forenoon of that day, at such place as shall be designated by the president and trustees of the village of Platteville, and vote by ballot upon such question. The president and trustees of said village shall designate three of their number to act as inspectors of such election. Such inspectors shall give notice of said election by posting notices thereof in at least three public places in such territory, at least five days previous to the day of election. Such notice shall state the time, place, and that the object of such election will be to determine the question of the acceptance of this charter. The said inspectors shall also appoint a clerk of said election. At such meeting the polls shall open at ten o'clock in the forenoon and continue open until four o'clock in the afternoon, when they shall be closed. All laws of this state applicable to the election of town officers shall apply to and govern such meeting and all proceedings thereat so far as the same may be applicable and are consistent with this act. Every elector residing in said territory and qualified to vote at town meetings in the town in which said territory is situated, may vote at such meeting by a ballot having thereon the word "yes" or the word "no." Immediately after the closing of the polls, the said inspectors shall proceed publicly to canvass the votes so taken and to deter-

mine the result of such election. If the majority of the ballots given at such election shall have thereon the word "yes," the inhabitants of such territory shall be deemed to have accepted this charter, and this act shall be in full force. But if a majority of the votes given at such election shall have on them the word "no," the electors residing in such territory shall be deemed to have rejected this charter, and this act shall thereupon be inoperative and void. The said inspectors shall declare the result of such election and canvass, and shall make a return thereof, and file the same in the office of the clerk of the village of Platteville.

WARD BOUNDARIES.

SECTION 3. All that part of said city, lying east and south of a line commencing in the center of the northward continuation of Second street at its intersection with the northern boundary line of said city, and running thence southwardly in the center of said Second street to the center of Pine street, thence westwardly along the center of Pine street to the center of Court House street, thence southwardly along the center of Court House street and the Platteville and Dubuque road to the south line of said city of Platteville, shall be and constitute the East ward. All of that part of said city lying west and north of the line above described shall be and constitute the West ward.

CHAPTER II.

SECTION 1. The elective officers of said city shall be a mayor, three aldermen from each ward, a city treasurer, a chief of police, and one justice of the peace for the city at large. All other officers necessary for the proper management of the affairs of said city, shall be appointed by the common council at its first meeting after the annual election.

SECTION 2. All elective officers except justices of the peace shall, unless otherwise provided, hold their respective offices for one year, and until their successors are elected and qualified. Said justices of the peace shall hold their respective offices for two years, from and after the first Monday in May succeeding their election.

ANNUAL ELECTIONS.

Annual elec-
tions.

SECTION 3. The annual election for ward and city officers, shall be held on the second Tuesday of April each year, at such place in each ward as the common council shall designate; and the polls shall be kept open from nine o'clock in the forenoon until sundown; and ten days' previous notice shall be given by the common council in some newspaper published in said city, or by posting written or printed notices in three public places in each ward of said city, of the time and place of holding such election, and of the ward and city officers to be elected.

Qualification
of electors.

SECTION 4. All persons entitled to vote for county and state officers, shall be entitled to vote for any officer entitled to be elected under this act, and to hold any office hereby created; *provided*, that no person shall vote, or hold, either by election or appointment, any city office, unless such person be an actual resident of the city and ward where he shall offer his vote.

Election to be
by ballot.

SECTION 5. All elections by the people shall be by ballot, and a plurality shall constitute an election. The votes for all elective officers shall be on one ballot, and shall be deposited in one ballot-box. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by casting lots in the presence of the common council, at such time and in such manner as they shall direct.

How elections
conducted.

SECTION 6. The election in said city shall be held and conducted by the aldermen of each ward, who shall be the inspectors of elections in their respective wards, and shall take the usual oath or affirmation as prescribed in the general laws of this state, to be taken by the judges and inspectors of elections, and shall have power to appoint clerks of such elections, and to administer the necessary oaths; and in case of the absence of any or all of the aldermen of the ward at the time for the opening of the polls, the voters present shall select some person or persons to act in their places as inspectors of election. Said elections shall be held and conducted in the same manner and under the same penalties, and vacancies in the board of inspectors thereof filled, as required by the laws of this state regarding elections.

Making and
canvass of re-
turns.

SECTION 7. When an election shall be closed, and the number of votes for any candidate or person voted for

shall be counted and ascertained, the said inspectors shall make a return thereof, stating therein the number of votes for each person for each and every office, and shall deliver, or cause to be delivered, such return to the city clerk within one day after any election. The common council, on the fourth day after such election, shall meet and canvass said returns, and declare the result as it appears from the same, and the city clerk shall forthwith give notice to each person so declared elected of his respective election.

EXPULSION AND REMOVALS.

SECTION 8. The common council shall have power, for due cause, to expel any of their own number, and to remove, for causes, from office, any officer or agent under the city government, reasonable notice being first given to the officer or agent complained of, and opportunity given him to make his defense. The mayor shall have power to suspend any police officer or watchman appointed by the common council when complained of, until the common council shall take up his case and dispose of it. He shall also have power to fill the vacancy thus created for the time being.

Power of council to remove from office.

VACANCIES—WHEN OFFICE DEEMED VACANT.

SECTION 9. Any officer removing from the city, or any ward officer removing from the ward for which he was elected, or any officer who shall neglect or refuse for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided.

Vacancies.

VACANCIES—HOW FILLED.

SECTION 10. Whenever a vacancy shall occur in the office of mayor, alderman or justice of the peace, such vacancy shall be filled by new election, which shall be ordered by the common council within ten days after such vacancy shall occur. Any vacancy happening in any other office, shall be filled by appointment by the common council. The person so elected or appointed to fill any vacancy, shall hold his office and discharge the duties thereof for the unexpired term,

How vacancies filled.

and with the same right, and subject to the same liabilities as the person whose office he may be appointed to fill.

SPECIAL ELECTIONS.

Special elections.

SECTION 11. Special elections to fill vacancies, or for any other purpose authorized by law, shall be held and conducted by the aldermen of each ward, in the same manner and form, and subject to the same liabilities as general or annual elections, and within such time as may be prescribed by ordinance.

ELECTION OF ALDERMEN AND SUPERVISORS.

Aldermen and supervisors.

SECTION 12. There shall be elected at the first election under this act, and annually thereafter, three aldermen for each ward in said city and one supervisor for each ward, to represent the city in the county board of supervisors, who shall hold their respective offices for one year.

Terms of office.

SECTION 13. All the officers of the village of Platteville now in office shall hold their respective offices until their successors shall be elected or appointed and qualified under this act; and the term of every officer elected under this act, except justices of the peace, shall commence on the third Tuesday of April of the year for which he was elected, and shall, unless herein otherwise provided, continue for one year and until his successor is elected and qualified.

First election.

SECTION 14. All the duties herein required of the common council and aldermen in regard to elections shall be performed, so far as may be necessary, by the president and trustees of the village of Platteville, in regard to the first election and the organization of the city government under this act.

In case of failure to elect officers.

SECTION 15. Should there be a failure by the people to elect any officer herein required to be elected, on the day designated, the common council may order a new election to be held, ten days' notice of the time and place of holding such election, or any special election, first being given.

Time of first election.

SECTION 16. The first election of officers under this act shall be held on the second Tuesday of April, 1876.

Appointment of city clerk and attorney.

SECTION 17. The city clerk and city attorney shall be appointed by the common council at its first meeting after the annual election.

CHAPTER III.

OFFICERS' POWERS AND DUTIES—OATH AND BOND.

SECTION 1. Every person elected or appointed to any office under the provisions of this act, except justices of the peace, shall, before entering upon the duties of his office, take and subscribe the oath of office prescribed by the constitution of this state, and file the same, duly certified by the officers taking the same, with the clerk of the city. The treasurer, clerk, chief of police, and such other officers as the common council may direct, shall each, before entering upon the duties of his office, execute to the city of Platteville a bond with two or more sureties, the aggregate amount of whose property within this state, above all their respective debts, liabilities and exemptions, as shown by their respective affidavits attached to or indorsed on such bond, shall be at least double the sum named as penalty in such bond. Said bonds shall contain such penal sum and such conditions as the common council shall deem proper, and shall be subject to the approval of said common council. The common council may, from time to time, require new and additional bonds, and remove from office any officer neglecting or refusing to give the same. All official bonds executed to the city of Platteville, except that of the city clerk, shall be filed with and safely preserved by the city clerk in his office unless the common council shall otherwise direct. The bonds of all officers shall be duly witnessed and recorded in the office of the city clerk in a book provided for that purpose. The bond of the city clerk shall be filed with and recorded by the city treasurer. Transcripts from the record of such bonds in the office of the city clerk and treasurer, duly certified by such clerk, or treasurer, shall be evidence of the due execution and contents of the bonds so recorded, in case of the loss of the originals. The justices of the peace shall qualify as required by the general laws of the state except as hereinafter provided.

Officers to take
oath and give
bond.

MAYOR—HIS DUTIES.

SECTION 2. The mayor shall preside over the meetings of the common council, but shall have no vote, except in case of a tie. He shall take care that the Mayor.

law of the state and the ordinances of the city are duly observed and enforced, and that all officers of the city discharge their respective duties. He shall, from time to time, give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be chief executive officer, and head of the police of the city; and when in his judgment occasion requires, he may appoint as many special or temporary policemen as he may deem necessary.

President of
council.

SECTION 3. The common council shall, after the first meeting for organization each year after the annual election, choose by ballot from their number, a president, who, in the absence of the mayor, shall preside over the meetings of the common council, and in case of the absence of the mayor from the city, or his inability for any reason, to discharge the duties of his office, the president shall exercise all the powers and discharge all the duties of the mayor for the time being. In case of the absence of both the mayor and president at any meeting of the common council the common council may choose from their number a president pro tem., who, for the time being, shall discharge all the duties of the mayor. The president or president pro tem., while presiding over the council, or performing the duties of mayor, shall be styled acting mayor, and their acts shall have the same validity and force as if done by the mayor.

CITY CLERK—HIS DUTIES, ETC.

City clerk.

SECTION 4. The city clerk shall hold his office for one year and until his successor shall be elected and qualified. The said clerk shall keep the corporate seal and all the papers and records of the city, and keep a full record of the proceedings of the common council, at whose meetings it shall be his duty to attend. Copies of any and all books, papers, instruments, or documents duly filed and kept in his office, and all of the endorsements thereon, and transcripts from the records of the proceedings of the common council, duly certified by him, under the corporate seal of the city, shall be evidence in all courts in like manner as the originals. He shall draw and countersign all orders on the treasury, in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof, and of the fund on which the same is drawn, in books provided for that

purpose. He shall also keep, in such manner as the common council may direct, an accurate account with the treasurer, and charge him with all sums of money paid into the treasury. The clerk shall have power and authority to administer oaths and affirmations. Whenever the clerk shall be absent from any cause, the common council may appoint a clerk pro tem., who, for the time being, shall be vested with the powers and duties of the clerk. The clerk shall receive an annual salary, to be fixed by the common council, payable quarterly.

CITY ATTORNEY AND DUTIES.

SECTION 5. The city attorney shall conduct all the City attorney. law business of the corporation. He shall, when required, furnish opinions upon subjects connected with the welfare of the corporation, submitted to him by the common council or any of its committees. He shall keep a docket of all cases to which the city may be a party in any court of record, in which shall be briefly entered all steps taken in each cause, which docket shall be the property of the city, and shall at all times be open to the inspection of the mayor or any committee of the common council. It shall also be the duty of the city attorney to draft all general ordinances, all bonds, contracts, leases, conveyances and other instruments of writing that may be required by the business of the city government, and to perform such other duties as may be prescribed by the charter and ordinances. He shall receive such reasonable compensation as shall be agreed upon for services rendered.

STREET SUPERINTENDENT—HIS DUTIES, ETC.

SECTION 6. The common council shall also, at their first meeting for organization, each year after the annual election, choose, by ballot, a street superintendent. Street Superintendent. The street superintendent shall see that all ordinances of the city relating to the obstruction and cleaning of sidewalks, streets, bridges, alleys, public grounds, reservoirs, gutters, sewers and waters in said city are duly observed and kept, and to control the persons employed thereon. He shall have the general supervision over all work let by contract for the making, grading, paving, graveling, planking, repairing and cleaning of streets, bridges, alleys, public

grounds, reservoirs and gutters, unless the common council shall otherwise direct. He shall receive such compensation as the common council shall determine, not exceeding two dollars per day.

CITY SURVEYOR—HIS DUTIES.

City surveyor.

SECTION 7. The common council may, also, at their first meeting for organization after the annual election, or as soon thereafter as convenient, elect a city surveyor, who shall be a practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe his duties and fix his compensation or fees for any service required of him. All surveys, profiles, plans or estimates made by him for the city, or either of the wards, shall be the property of the city, and shall be carefully preserved in the office of the surveyor, open to the inspection of parties interested. All surveys and estimates made by him shall be recorded by him in a book provided and kept for that purpose.

JUSTICES OF THE PEACE—JURISDICTION, ETC.

Justices of the peace.

SECTION 8. The justices of the peace elected under this act, shall have the same jurisdiction and perform all the duties of justices of the peace, and shall qualify in the same manner as provided by the general laws of this state, except that their official bonds or agreements shall be approved by a majority of the common council. They shall also have exclusive jurisdiction in all cases arising under this act and the ordinances, resolutions regulations and by-laws passed by the common council of said city.

TREASURER—HIS DUTIES.

Treasurer.

SECTION 9. The treasurer of said city shall perform such duties and exercise such powers as may be required of him by the ordinances of said city and the laws of this state. He shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, and of each fund separately, together with an account of all disbursements, in suitable books to be provided for that purpose, and in such manner as the common council shall direct. At the first regular meeting of the common council in each month he

shall make a report, stating in detail the receipts and disbursements in his office since the last preceding monthly report, an account of the general fund and of each fund which he is required to keep distinct and separate from other funds in the city treasury; and also the total receipts and disbursements during the same time, and the condition of each of said funds at the date of the report. He shall disburse none of the money belonging to any of the funds of the city, except by an order thereon duly issued by order or direction of the common council, which order shall be signed by the mayor or acting mayor and countersigned by the city clerk, and when paid shall be canceled by the treasurer.

SECTION 10. On the first Tuesday of April in each year the treasurer shall file in the office of the city clerk a statement, showing in detail the monthly receipts and disbursements of the preceding year, an account of each separate fund, and the condition of such funds at the date of the report. He shall receive such compensation for his services as the common council may direct.

Treasurer to
file statement.

CHIEF OF POLICE—HIS DUTIES.

SECTION 11. The chief of police shall attend all meetings of the common council, and shall perform such duties as shall be prescribed by the common council for the preservation of the public peace, and collection of license moneys and fines, and shall receive such compensation as the said common council may determine. He shall possess all the powers of constables of towns, within the city limits, and shall be subject to the same liabilities. He shall execute and return all writs and processes, to him directed, and when necessary, in criminal cases, or for violation of any ordinances of said city, or law of the state, may pursue and serve the same in any part of the state. He shall suppress all riots, disturbances, and breaches of the peace, and abate all nuisances therein. He shall apprehend all persons in the act of committing any offense against any ordinance of said city, or laws of this state, and within reasonable time bring such persons before competent authority for examination, and for such services he shall receive such fees as are or may be allowed to constables for like services.

Chief of police.

OTHER DUTIES MAY BE REQUIRED OF OFFICERS.

Other duties of officers.

SECTION 12. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties and to fix the compensation of all officers elected or appointed, when they shall not be fixed by law. Such compensation shall be fixed by resolution or ordinance at the time the office is created, or as soon as practicable after the commencement of the municipal year, and shall not be increased or diminished during the term of such officer. The common council shall also have power to dismiss any officer appointed by them under the provisions of this section, at any time when in the judgment of said common council the services of such officer are no longer needed.

Proof of publication,

SECTION 13. Immediately after the publication of notice, ordinance, resolution or by-law, which by this act is required to be published in any newspaper, the printer or publisher of such newspaper shall file with the city clerk a copy of such publication with his affidavit or the affidavit of his foreman, of the date and length of time the same has been published; and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, resolution or by-law, and the city clerk shall file and keep the same in his office; and shall also record the same in a book to be provided for that purpose, and in case of the loss of such affidavit, transcripts of such record, duly certified by such clerk under the seal of the city, shall be received as evidence the same as the originals.

Refusal to deliver books, etc to successor.

SECTION 14. If any person having been an officer in the city, shall not, within ten days after notification and request, deliver to his successor in office all property, books, papers, and effects belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the city not less than one hundred dollars, nor more than five hundred dollars, besides all damages caused by his neglect or refusal so to deliver, and such successor may recover the possession of such books, papers, property, and effects in the manner prescribed by the laws of this state.

Peace officers.

SECTION 15. The mayor, acting mayor, sheriff of Grant county, and each and every alderman, justice

of the peace, chief of police, under sheriff and deputy sheriff of Grant county, constable, policeman, and watchman, shall be officers of the peace, and may command the peace, and suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purpose may command the assistance of all bystanders, and if need be of all citizens and military companies; and if any person, bystander, military officer, or private shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay to said city a sum of not less than fifty dollars and not more than one hundred dollars, and in case when the civil power may be required to suppress riot or disorderly behavior, the superior or senior officer present, in the order mentioned in this section, shall direct the proceedings.

CHAPTER IV.

THE COMMON COUNCIL—ITS SPECIAL DUTIES.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "The mayor and common council of the city of Platteville do ordain as follows." Common council.

SECTION 2. The common council shall hold their annual meeting in each year on the third Tuesday of April, and thereafter stated meetings at such times and places as they shall appoint, and the mayor may call special meetings, by notice of at least twenty-four hours, to each of the members, to be served personally, or left at his usual place of abode, which notice shall specify the object of the meeting and the business to be transacted, and no other business shall come before such meeting. The common council shall determine the rules for their own government and proceedings; *provided*, such rules are consistent with the provisions of this act. A majority of the aldermen elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn. Their sessions shall be open and public, their proceedings shall be recorded in full, and all their papers and records, and all election returns, shall be deposited with the city clerk, and the same may be examined at any time in the presence of the clerk. The vote of the common council shall, in all cases, be taken by ayes and noes, and every vote, Annual and stated meetings—how proceeding to be conducted.

and the vote of each member shall be entered at length upon the journal. The common council shall be the judge of the election and qualifications of its own members, and may punish its members or other persons present, by fine for disorderly behavior, may compel the attendance of its members upon its sessions, and may employ the chief of police and police of said city for that purpose; and may fine or expel a member for neglecting his duty as such member, or for unnecessary absence from the sessions of the common council.

POWERS OF THE COMMON COUNCIL.

General powers of common council.

SECTION 3. The common council shall have the management and control of the finances, except school moneys, and of all property of the city, and shall, in addition to all other powers herein vested in said common council, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend, and repeal all such ordinances, rules, regulations, resolutions, and by-laws for the government and good order of the city of Platteville, for the suppression of vice, the prevention of crime, and for the benefit of trade, commerce and health thereof, and for carrying into effect the powers vested in said common council, and to declare and impose penalties, fines or forfeitures, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, by-laws and regulations; and such ordinances, rules, by-laws and regulations are hereby declared to be and have the force of law; *provided*, that they be not repugnant to the constitution and laws of the United States, or of this state; and for these purposes the common council shall have power and authority by ordinance, resolution or by-law:

(1). To regulate groceries, taverns, victualing houses, saloons, gardens, and all other places within said city where spirituous, vinous, fermented or intoxicating liquors are sold or given away, and to license, regulate and restrain tavern keepers, groceries, keepers of saloons, victualing houses, or other houses or places for the dealing in, selling or giving away, spiritous, vinous, fermented or intoxicating liquors, and to regulate and determine the amount to be paid for such licenses, and to restrain or prohibit any person from vending, giving away or dealing in spiritous, vinous,

fermented or intoxicating liquors unless duly licensed by authority of the common council; *provided*, that the amount charged for such license shall in no case be less than one-hundred dollars nor more than three hundred dollars per annum. Such licenses shall not be granted for a longer term than one year and shall run from the first day of May; *provided, however*, when any such license is applied for and granted after that date, the same may be granted to expire on the first day of May following, on the applicant paying *pro rata* therefor.

(2). To license, tax, regulate, suppress or prohibit billiard tables, pool or bagatelle tables, nine or ten pin alleys, bowling saloons and ball alleys.

(3). To license, tax, regulate, suppress and prohibit all exhibitions of common showmen, shows of any and every kind, concerts or other musical entertainments, exhibitions of natural or artificial curiosities, caravans, circuses, theatrical performances, and all other exhibitions and amusements.

(4). To restrain, prohibit, and suppress all description of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance, and to order and authorize the seizure and destruction of all implements used for the purpose of gaming.

(5). To prevent any riot, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame.

(6). To compel the owner or occupant of any grocery, cellar, tallow-chandler's shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time as often as it may be necessary for the health, comfort and convenience of the inhabitants of said city.

(7). To direct the location and management of, and regulate breweries, tanneries and packing houses; and to direct the location, management and construction of and regulate, license, restrain, abate or prohibit within the city limits and the distance of two miles therefrom, distilleries, slaughter-houses, establishments for steaming or rendering lard, tallow, offal and such other substances as may or can be rendered, and all establishments or places where any nauseous, offensive or unwholesome business may be carried on.

(8). To prevent the encumbering of streets, sidewalks, lanes or alleys, with railroad cars, locomotives,

engine or engines, carriages, carts, wagons, sleighs, sleds or other vehicles, boxes, lumber, wood or any other materials or substances whatever.

(9). To prevent horse racing, and immoderate riding or driving in the streets, and to authorize any person to stop any person or persons, immoderately riding or driving, as aforesaid; to prohibit and punish the abuse of animals, and to compel all persons to fasten their horses, oxen or other animals attached to vehicles, or otherwise, while standing or remaining in any street, alley or public ground.

(10). To license, regulate and restrain the keeping, removal, conveying, vending and storage, of gunpowder, and other explosive, combustible and dangerous materials.

(11). To regulate and determine the time and places of bathing and swimming in the waters in and adjoining said city, and to prevent any obscene or indecent exhibition, exposure or conduct.

(12). To restrain, regulate or prohibit the running at large of cattle, horses, mules, asses, swine, sheep, goats, poultry and geese, and to authorize the distraining, impounding and sale of the same, for the penalty incurred and the costs of the proceedings; and also to impose penalties on the owners of any such animals, and collect the same for a violation of any ordinance in relation thereto.

(13). To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinance.

(14). To prevent any person from bringing, depositing or having within said city any putrid carcass, or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, putrid or unsound beef, pork, fish, hides, skins, or substance of any kind, and on his default, to authorize the removal thereof by some competent officer at the expense of such person or persons.

(15). To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water works for the supply of water to the inhabitants of the city and to prevent the unnecessary waste of water.

(16). To erect lamps, and regulate the lighting thereof; and to provide for lighting streets, public grounds and buildings with gas or otherwise.

(17). To regulate, license and suppress omnibus drivers, hackmen, coachmen, cabmen, cartmen, draymen and all others who may pursue like occupations in said city and to prescribe their compensation.

(18). To restrain and regulate runners and solicitors for cars, railroads, stages, public houses or other establishments.

(19). To establish and regulate boards of health and define their powers and duties.

(20). To provide hospitals and cemetery grounds, regulate the burial of the dead and the return of bills of mortality, and exempt burial grounds, set apart for public use from taxation.

(21). To erect or establish one or more pest-houses, hospitals and dispensaries, and control and regulate the same.

(22). To regulate, control and prevent the landing or bringing into the city by railroad cars or otherwise, of persons sick, or infected with contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the city, and also to make regulations to prevent the introduction of contagious or infectious diseases into the city, or their spread therein, and to make quarantine laws and regulations, and to enforce the same within the city and not exceeding two miles beyond the city limits.

(23). To abate and remove all nuisances under the ordinances, the laws of the state, or at common law, and punish the authors thereof by penalties, forfeitures, fines and imprisonment; and to define and to declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof; but nothing in this act shall be so construed as to oust any court of its jurisdiction to abate and remove nuisances in the streets, or in any other part of the city, or within its jurisdiction, by indictment, information or otherwise.

(24). To establish public markets and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

(25). To prevent all persons riding or driving any horse, ox, mule, cattle or other animal on the sidewalks in said city, or in any way doing any damage to said sidewalks.

(26). To prevent the shooting or discharging of fire arms, or fire crackers, squibs or torpedoes, and to prevent the exhibition of any fireworks in any situation which may be considered by the common council dangerous to the city or any inhabitant or property therein or annoying to any citizen thereof.

(27). To restrain and punish vagrants, mendicants, street beggars and prostitutes, and to restrain drunkenness or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

(28). To regulate and license butchers, butchers' shops and meat markets, and to regulate, license and restrain the sale of game, poultry, fresh meat, vegetables, fish, butter, eggs and other provisions in the streets and other public grounds of the city, and to cause the seizure and destruction of tainted or unwholesome meat, butter, vegetables, fruit or provisions.

(29). To regulate the place and manner of weighing and selling hay, and measuring and selling fuel and lime, and to appoint suitable persons to superintend and conduct the same.

(30). To compel the owners and occupants of buildings and grounds to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct, and in his default, to authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupants.

(31). To appoint watchmen and policemen, and to establish and regulate the police of the city and prescribe their duties.

(32). To regulate the times, places and manner of holding public auctions and vendues.

(33). To tax, license and regulate auctioneers, distillers, brewers and pawn brokers; and to tax, license, regulate, restrain or prohibit hawkers and peddlers, gift book stores, gift concerts and any other gift enterprises.

(34). To protect monuments in the city, and to direct and regulate the planting and preservation of ornamental trees in the streets and public grounds.

(35). To provide by ordinance for a standard of weights and measures, and for the punishment of the use of false weights and measures.

(36). To provide for and regulate the construction of gutters and sewers within said city.

(37). To control, regulate, repair, amend and clear the streets and alleys, bridges and sidewalks and crosswalks, and lay out, open, widen, straighten, alter and vacate streets and alleys, and establish and alter the grade thereof, and alter or change the name thereof, and prevent the encumbering of the streets and alleys in any manner, and protect the same from any encroachment or injury; and to regulate the manner of using the streets and pavements in said city, and protect the same from injury by vehicles used thereon.

(38). The justices of the peace elected under this act shall have exclusive jurisdiction in all cases or actions for the recovery of any penalty, fine or forfeiture under the charter of said city, and all ordinances, by-laws or police regulations thereof.

(39). The common council shall have power and authority to control and regulate the streets, alleys and public grounds in said city, and to remove and abate any obstructions and encroachments therein.

(40). To regulate or prohibit the keeping of any lumber yard, hay, straw or fodder, and the placing, piling, stacking or selling of lumber, hay, straw fodder, wood or other combustible material within the limits of the city.

(41). To provide for the inspection and regulation of stationary steam engines and boilers.

(42). To authorize the arrest, fine and imprisonment as vagrants, of all persons, who, not having visible means to maintain themselves, and without employment, idly loitering or rambling about or staying in groceries, drinking saloons, houses of ill fame or houses of bad repute, gambling houses, or who shall be found trespassing in the night time upon the private premises of others, or begging or placing themselves in the streets or other thoroughfares or public places to beg or receive alms, also keepers, exhibitors or visitors at any gaming table or gambling house, and all persons who go about for the purpose of gaming, or who shall have in their possession any article, implement or thing used for obtaining money under false pretenses, or who shall disturb any concert, theatre, or other public entertainment, assembly or place where public or private schools are held. either week day or Sunday, or places where religious worship is held.

(43). To regulate or prohibit the carrying or wearing by any person under his clothing or concealed on his person, of any pistol, sling-shot or knuckles, bowie-knife, dirk-knife or dirk or dagger or any other dangerous or deadly weapon, and to provide for the confiscation and sale of any such weapon.

(44). To make, ordain, amend, and repeal all such ordinances, by-laws, and police regulations, not contrary to the constitution of this state, for the good order and government of the city, which may be necessary or expedient to carry into effect the powers vested in the mayor and common council, or any officer of said city by this act, or which may be vested in any officer of said city by any ordinance, regulation, resolution or by-law thereof.

Passage of ordinances, etc.

Publication of same.

SECTION 4. All laws, ordinances, regulations, resolutions and by-laws shall be passed by the affirmative vote of a majority of the common council of said city, and shall be signed by the mayor, and before going into effect, shall be published at least once in some newspaper published in said city, or posted in three public places in said city; and within fifteen days thereafter, they shall be recorded by the city clerk in books provided for that purpose; but before any of the said laws, ordinances, regulations, resolutions, or by-laws shall be recorded, the publication thereof shall be proved by the affidavit of the publisher or foreman of such newspaper, or by the affidavit in writing of the officer or person posting the same, which affidavit shall be recorded therewith, and at all times and in all courts and places such record shall be deemed and taken as a sufficient evidence of the time and manner of such publication or posting; such record of such law, ordinance, regulation, resolution, or by-law, and the proof of such record, certified by the city clerk, under the seal of the city, or any printed books containing the same, purporting to have been published under the sanction of the mayor and common council, shall be *prima facie* evidence of the due passage and publication or posting of such law, ordinance, regulation, resolution, or by-law. No ordinance shall be passed, no appropriation shall be made, and no act, regulation, resolution, or order which may create a debt or liability against said city, or a charge upon any fund thereof, shall be adopted without a vote in its favor of a majority of all the aldermen entitled to seats in the common

council, which vote in all cases shall be taken by ayes and noes and duly entered of record.

SECTION 5. No ordinance or resolution requiring the signature of the mayor shall take effect until seven days after the passage thereof, unless sooner approved in writing by the mayor or acting mayor for the time being.

When ordinances, etc. to take effect.

SECTION 6. The mayor shall have power to veto any ordinance, act or resolution passed by the common council by notifying the common council of his objections thereto, at any time within seven days after the passage of such ordinances or resolution. In case there is no session of the common council on any day after the passage of the same, and before the expiration of the said seven days, such notification shall be made by filing with the clerk a copy of his objections, and the clerk shall thereupon call a special meeting of the common council in the manner provided in section two of this chapter to consider said veto and objections; and in case the common [council] shall not, within one week after the receipt of such objection, or such filing with the clerk, re-enact such ordinance or pass such resolution by the affirmative vote of two-thirds of the aldermen elect, the same shall be null and void. If the mayor shall not return any ordinance, act or resolution so presented to him, within seven days after the passage thereof, it shall take effect in the same manner as if he had signed it.

Power of mayor to veto.

SECTION 7. No vote of the common council shall be reconsidered or rescinded at a special meeting unless at such special meeting there be present as large a number of aldermen as were present when such vote was taken.

Reconsiderations.

SECTION 8. All ordinances, petitions, and communications to the common council, and all accounts and resolutions appropriating money or creating any charge against any of the funds of said city, shall be referred to appropriate committees, and shall only be acted on by the common council at a subsequent meeting not held on the same day, on the report of the committee to which the same were referred. Action upon any report of a committee made to the common council, shall be deferred to the next regular meeting of the same, by request of one-third of the aldermen present.

Business to be referred to committees.

SECTION 9. The powers conferred upon the said common council to provide for the abatement or removal of nuisances shall not bar or hinder suits,

Nuisances.

prosecutions or proceedings in the courts according to law. Depots, houses or buildings of any kind wherein more than ten pounds of gun-powder are deposited, stored or kept at any one time, gambling houses, or houses of ill-fame, disorderly taverns and houses or places where spirituous, vinous, fermented, or intoxicating liquors are sold without license required therefor, within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

Council to audit accounts of officers and require settlements.

SECTION 10. The common council shall examine, audit, and adjust the accounts of the clerk, treasurer, chief of police, superintendent of streets, and all other officers and agents of the city, at such time as they may deem proper, and also at the end of each year, and before the time for which the officers of said city are elected or appointed shall have expired, and the common council shall require each and every such officer and agent to exhibit his books, funds, and money, accounts and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of said common council in the discharge of his said duties, in pursuance of this section, or shall neglect or refuse to render his account or present his books, funds, moneys, and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all adjustments and settlements.

CHAPTER V.

COMMON SCHOOLS.

Common schools.

SECTION 1. The common schools of the city of Platteville shall be under the supervision and control of the school district boards of each district, in the same manner as if this act had not been passed, and the same relations shall be sustained between said city and such schools, as near as may be, as between a township and the schools therein, and the same reciprocal powers and duties.

CHAPTER VI.

FIRE DEPARTMENT.

SECTION 1. The common council, for the purpose ^{Fire limits.} of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings, or buildings of other materials that shall not be considered fire-proof, shall not be erected, placed or repaired, and to direct that all buildings within the limits prescribed shall be made or constructed of fire-proof materials and to prohibit the repairing or rebuilding of wooden buildings within the fire limits, where the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damages, and to prescribe penalties for the violation of any resolution or ordinance passed under this section.

SECTION 2. The common council shall have power ^{Power of council to require precautions against fire.} to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers, and apparatus used in or about any building, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants of the city to provide as many fire-buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of manufactures dangerous in causing or promoting fires; to regulate and prevent the use of fire-works and fire-arms; to compel the owners and occupants of buildings to have scuttles in the roof, and stairs or ladders leading to the same; to authorize the mayor, aldermen, fire-wardens, and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel all by-standers to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the said common council may deem expedient, and to provide and enforce penalties for the violation of any resolution, ordinance or regulation passed under this section.

Council may purchase fire apparatus, and authorize formation of fire companies.

SECTION 3. The common council shall have full power to purchase fire engines, hose, and all other necessary fire apparatus, and to authorize the formation of fire engine, hook and ladder, hose and sack companies, and to provide for the due and proper support and regulation of the same, and for cause to order such companies to be disbanded, and their meetings to be prohibited, and their apparatus to be delivered up. Each company shall not exceed seventy able bodied men, between the ages of eighteen and fifty years, and may elect its own officers and form its own by-laws, not inconsistent with the laws of this state or the ordinances or regulations of said city, and shall be formed by voluntary enlistments. Every member of said companies hereby authorized to be formed shall be exempt from poll tax, and from military service except in case of war, insurrection, or invasion, and from service on juries during the continuance of such membership; and any person having served for the term of ten years in either of such companies, shall be forever thereafter exempt from poll tax and military and jury duty, except as in cases before mentioned.

Meeting and organization of fire companies.

SECTION 4. There shall be a meeting of the members of said companies on the third Monday of April in each year, at such place as may be designated by the chief engineer, when they may nominate and recommend to the common council for appointment, one chief engineer, two assistant engineers, and one treasurer, and the common council shall thereupon confirm or reject said nominations; and the persons so appointed shall perform such duties as the common council shall prescribe. In case the common council shall reject such nominees, the said members shall, at a meeting held a week after such rejection, nominate other persons to hold such offices, which nominations shall also be subject to the approval of the common council.

Fire wardens.

SECTION 5. The mayor shall appoint two fire wardens for each ward, subject to confirmation by the common council, who shall perform such duties as the common council may prescribe; said wardens may at any time enter into any building, house, store, barn, or inclosure for the purpose of inspecting the same.

Penalties to be paid to fire department.

SECTION 6. One-half of the net proceeds of all penalties and forfeitures recovered and collected for breach of any ordinance, regulation, or by-law made

in pursuance of this chapter, shall be paid by the city treasurer to the fire department.

SECTION 7. When any person shall refuse to obey the lawful order of any engineer, foreman, fire warden, or alderman of the city, the mayor or chief of police at any fire, it shall be lawful for the officer giving such order to arrest, or direct orally the chief of police, or any constable or watchman, or any citizen to arrest such person, and to confine him temporarily in any safe place, until such fire shall be extinguished, and afterwards within reasonable time shall bring such person before one of the justices of the peace of the city to be dealt with according to law, and in the same manner such officer, or any of them, may arrest, or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to arrest or to aid in the arresting any person so refusing shall be liable to such penalty or forfeiture as the common council shall prescribe, not exceeding twenty dollars. Penalty for disobedience of orders.

SECTION 8. The common council shall have power to organize a sack company, which shall be known by such name as said company shall select, and shall consist of not more than thirty members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the engineers or foremen of the fire department. The members of said company, either collectively, or individually, are hereby authorized and empowered to act as a special police in and for the city of Platteville, and hereby vested with all the power and authority, which now is, or may hereafter be vested in any police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department. At fires they shall take charge of all property which may be exposed or endangered, and shall, as far as it may be in their power, preserve the same from injury or destruction. Such company may from time to time adopt such by-laws as they may deem necessary for its government, not inconsistent with the laws of this state or the ordinances of said city. The members thereof shall not be entitled to any compensation for any services rendered in their official capacity. They shall in case of riot, or other disturbances of the peace, have access to all licensed places of amusement in the city, and shall perform such Sack company.

services as may be necessary for the peace and good order of the same.

Treasurer of fire department.

SECTION 9. The treasurer of the fire department shall receive and pay out all moneys belonging to said department, and shall secure the faithful performance of his duties by his bond to said city, in such penal sum as shall be required, and with sureties to be approved by the common council. Such moneys shall only be paid out on orders signed by the chief engineer, and countersigned by the secretary of the fire department.

Election of officers of fire companies.

SECTION 10. There shall be elected by the companies aforesaid annually, at the annual meetings, one foreman, two assistant foremen, one treasurer, three trustees, and one secretary, who shall, on or before the first Monday in May in each year, return to the city clerk a list containing the name of each member of their respective companies; and when any member of either of said companies, shall cease to be a member thereof, by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk.

City clerk to keep record of members of fire department.

SECTION 11. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and such record shall consist of the returns made by the secretaries, as above prescribed; and no person shall be exempt from jury duty, unless his name is entered on such list. In case any member shall, for any cause, cease to be a member of either of said companies, the clerk shall note that fact on the list thereof, and shall return to the clerk of the board of supervisors for the county of Grant, a list of all persons who are members of either or all of said companies exempt from jury duty, on or before the day now appointed, or which may be hereafter appointed for the annual meetings for the said board, and said board shall not place the names of any such persons on the jury list for the ensuing year. The Mound City Engine Company and the Platteville Hook and Ladder Company No. 1, as now organized, shall be recognized as a part of the fire department of said city, and shall have the same rights and be subject to the same liabilities, as companies organized under this act.

CHAPTER VII.

AUDITING ACCOUNTS, ETC.

SECTION 1. The common council shall have power to audit, adjust and allow all claims and demands of every nature against the city, except such claims or demands as are payable out of the school fund.

Power of council to audit accounts.

SECTION 2. No action shall hereafter be maintained by any person against the city of Platteville, upon any claim or demand mentioned in the preceding section, other than a city order, unless such person shall first have presented such claim or demand to the common council of said city. The determination of the common council disallowing in whole or in part any such claim or demand shall be final and conclusive, and a perpetual bar to any action in any court, founded on such claim or demand, unless an appeal shall be taken from the decision and determination of such common council, as hereinafter provided, or unless such common council shall consent and agree to the institution and maintenance of an action by such claimant against the city; *provided, however,* that when the common council shall refuse or neglect to act upon any such claim or demand duly presented to them, this chapter shall not be so construed as to prevent the institution and maintenance of an action by said claimant against said city.

No action to be maintained against city until claim has been presented

SECTION 3. When the claim or demand of any person against the city shall be disallowed in whole, or in part, by the common council, such person may appeal from the decision of such common council to the circuit court of and for the county of Grant by causing a written notice of such appeal to be served on the clerk of said city within thirty days after the making of such decision, and executing a bond to said city, with sufficient surety, and in such penal sum, to be approved by said clerk, a county judge, court commissioner, or justice of the peace residing in said city, conditioned for the faithful prosecution of such appeal and the payment of all costs that shall be adjudged against the appellant by the court.

Appeal may be taken when account disallowed.

SECTION 4. The city clerk, upon such appeal being taken, shall immediately give notice thereof to the city attorney, or shall take such measures as by ordinance or resolution of said common council he may be required to do, and shall make out a brief return

City clerk to give notice of appeal.

of the proceedings in the case before said common council with their decision thereon, and shall file the same, together with the bond and all papers in the case in his possession, with the clerk of the circuit court for the county of Grant, and such appeal shall be entered, tried, and determined in the same manner as actions originally brought in said court, and costs therein shall be awarded in like manner; *provided, however,* that whenever an appeal is taken from the allowance made by said common council upon any claim, and the recovery upon such appeal shall not exceed the amount allowed by said common council, exclusive of interest upon such allowance, the appellant shall pay the costs, which shall be deducted from the amount of the recovery, and when the amount of the costs exceeds the sum recovered, judgment shall be rendered against the appellant for the amount of such excess.

Claims to be verified by affidavit.

SECTION 5. No claim or demand whatever shall be allowed by the common council, unless the same is verified by the affidavit of the owner thereof or by some person in his behalf, that the same is just and that no part thereof has been paid.

CHAPTER VIII.

LAYING OUT, WIDENING AND OPENING OF STREETS AND ALLEYS AND TAKING PROPERTY FOR PUBLIC PURPOSES.

Power of council to lay out streets, etc. upon petition.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets, and alleys, and to widen the same as follows: Any ten or more freeholders residing in the ward, may, by petition, represent to the common council that it is necessary to take certain lands within the ward where such petitioners reside for public use, for the purpose of laying out public squares, grounds, streets or alleys, or the enlarging or widening of the same, setting forth, in such petition, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises if the same shall be known to such petitioners.

Notice to be given to occupants.

SECTION 2. Such petition shall be filed with the common council, who shall thereupon cause notice of such application to be given to the occupant or occupants of such lands, if any there be, or if any portion of such lands shall not be in the actual occu-

pation of any person, then the common council shall cause such notice, describing as near as may be the premises proposed to be taken, to be published in some newspaper published in said city, three (3) weeks successively, at least once in each week. Such notice shall state that, upon a day and hour therein named, not less than ten (10) days from the service of said notice, or the expiration of such publication, as the case may be, application will be made to the county judge or a circuit court commissioner, or a justice of the peace residing in said city, for the appointment of twelve jurors to view said premises and determine whether it will be necessary to take the same for the purposes specified in said petition, and to assess the damages sustained by the owner or owners of said lands by reason of the taking of the same, in case they shall determine it will be necessary to take such lands for the purpose aforesaid. Said notice shall be issued and signed by the city clerk.

Form of notice.

SECTION 3. Upon presentation of such application, and upon proof of the service or publication of the notice hereinbefore required, the said judge, court commissioner or justice of the peace, at the time and place appointed, shall thereupon appoint twelve reputable freeholders, residents of said city and not residents of the ward in which said premises may be situated, nor interested in the result of such application. The said judge, court commissioner or justice of the peace shall thereupon issue his precept, directed to said jurors, requiring them on a day and at an hour, in said precept to be named, not more than ten nor less than five days from the date of said precept, to meet at the office of some justice of the peace in said city to qualify as such jurors, and then to view said lands proposed to be taken as aforesaid, (which said lands shall be described in said precept as near as may be), and to report within three days thereafter, to the common council, whether in their judgment it is necessary to take such lands for the purpose specified in said petition; and also to report to said common council the amount of damages sustained by the owner or owners of said lands or of any distinct part thereof, by reason of the taking the same as aforesaid if they shall determine it is necessary to take the same for public use as aforesaid.

Jury to be appointed to view lands.

SECTION 4. The chief of police or any constable of the town of Plattville shall serve the precept upon the said jurors at least two days before the return day

How notice to jurors served.

thereof, by reading the same to each of them if to be found in said Grant county, and, if not found, by leaving a copy thereof at his or their usual place of abode, in the presence of some one of his or their families of suitable age and discretion, who shall be informed of its contents; and immediately after such service he shall return said precept to the justice of the peace before whom said jurors are directed to appear in said precept, together with his doings therein.

Substitution of jurors.

SECTION 5. If any of the jurors so appointed cannot be found or served with said precept, and shall not appear, or shall be disqualified from acting, or shall, for legal cause, be excused from acting, the justice of the peace before whom said precept is made returnable, shall appoint others in their places, and a memorandum of such substitution shall be indorsed upon said precept.

Jurors to be sworn.

SECTION 6. The said justice of the peace shall thereupon administer an oath to said jurors, that they are resident freeholders of the said city and not interested in the premises proposed to be taken, and not residents of the ward in which said premises are situated, and that they will faithfully and impartially discharge the trust reposed in them.

Duty of jurors.

SECTION 7. The said jury shall then proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jurors, and either juror shall be authorized to administer the necessary oaths to the witnesses. After viewing the premises in question, and hearing such testimony as may be offered, the jurors shall make a report of their proceedings which shall be signed by them respectively, and which shall state whether in their judgment it is necessary to take the premises in question for public use, and if in their judgment it is necessary to take said premises for said public use, then to report and assess the damages to the owner or owners of said premises or any distinct parts thereof which he or they may sustain by reason of the taking of the same for said public use; should the jurors report that it is necessary to take the said premises for public use as aforesaid and shall assess the damages aforesaid, the common council upon the receipt of said report shall enter an order among its proceedings confirming said report.

SECTION 8. The jurors directed to ascertain and assess the damages as provided by section seven of this chapter, shall view and examine the premises proposed to be taken and all such other premises as will in their judgment be injured or benefited thereby, and after hearing such testimony as they may obtain or be offered by any party interested as before provided, they shall proceed to make their assessment and to determine and appraise the value of the real estate so proposed to be taken and the injury arising to the owners thereof respectively in consequence of the taking thereof, which shall be awarded to such owners respectively as damages after making due allowance therefrom for any benefit which such owners may respectively derive from such improvements. If the damages to any person be greater than the benefits received by him, the jury shall strike a balance and carry the difference forward to another column, so that the assessment will show what amount is to be received or paid to such owner or owners respectively, and the difference only shall in any case be payable to them.

SECTION 9. Any person or persons owning or having any interest in any property affected by such assessments by said jury, may within twenty days after the confirmation of such assessments by the common council appeal therefrom to the circuit court of Grant county by filing with the city clerk his notice of appeal, setting forth therein his interest in the premises, and the grounds of appeal, together with a bond to the city of Platteville in the penal sum of two hundred and fifty dollars conditioned for the payment of all costs that shall be adjudged against him on account of such appeal, which bond shall be signed by appellant and at least two sureties; each of said sureties shall make affidavit endorsed or attached thereto that he is a resident freeholder of said county of Grant, and worth the sum of two hundred and fifty dollars, over and above all his debts, liabilities, and exemptions. In case of any appeal under the provisions of this section, the city clerk shall send to the clerk of said circuit court a certified copy of the report of said jury, including said assessment of damages and benefits reported by them, as confirmed by the common council, and all the proceedings of the common council in relation thereto. The appeal shall be tried as ordinary issues of fact are tried in said circuit court; the form of the issue shall be sub-

Duty of jurors.

Appeal to circuit court.

ject to the direction of the said court. If upon the trial the benefits assessed by said jury be diminished, and the damage increased, then the appellant shall recover costs on such appeal; otherwise the city shall recover costs. When the jury in the circuit court shall, by their verdict, award damages to the owner of any lot or part of a lot, and judgment shall have been rendered upon said verdict, the said city shall pay the amount of said judgment and the costs, if any, recovered therewith, or make provision for the payment thereof within one year after the same shall have been rendered; *provided*, that in case of an appeal from such judgment to the supreme court, the time of the pendency of such appeal shall not form part of such year.

Appeal to be only remedy.

SECTION 10. An appeal to the circuit court, as provided in and by the foregoing section, shall be the only remedy for damages sustained by the acts or proceedings of the said city or its officers in the matter to which such assessments relate; and no other action at law or in equity shall be had or maintained for or on account of such acts and proceedings.

When city may enter upon property.

SECTION 11. Only when the damages awarded to the owner by the report of said jury as confirmed by the common council for any property condemned by said city for public use shall have been paid or tendered to such owner or his agent, or when sufficient money for that purpose shall be provided in the hands of the city treasurer, and ready to be paid over to such owner, and ten days' notice thereof shall have been given by the common council in some newspaper published in said city, can the city enter upon and appropriate such property to the use for which the same was condemned, and the same shall thereafter be subject to all the laws and ordinances of said city to the same extent as streets, alleys, highways, or public grounds heretofore laid out, opened or used. The damages assessed by said jury, appointed by said judge, court-commissioner or justice of the peace, or awarded by the verdict of the jury in the circuit court, and judgment rendered thereon in case of appeal shall be paid or tendered, or provided, in the hands of the city treasurer, and ready to be paid over to the person or persons entitled thereto, and notice thereof given in some newspaper published in said city, as herein provided, within six months after the rendering of such judgment or after the confirmation of such report of said jury in case no appeal shall have been taken by any

When proceedings void.

one; and if not so paid or tendered or provided in the hands of the city treasurer, all the proceedings in any such case shall be void; *provided*, that such period of six months shall be exclusive of the time any such judgment may be pending in the supreme court on appeal; and *provided, further*, that no damages shall be due and payable to any person aggrieved until said premises shall be taken by order of the common council for the purpose aforesaid.

SECTION 12. If there shall be any building, in whole or in part, upon the land to be taken, the jurors, before proceeding to make their assessments, shall first estimate and determine the value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him; and, secondly, the value of said building to him to remove, and shall include such estimates in their report to the common council.

In case of buildings on lands.

SECTION 13. At least ten days personal notice of such estimate and determination, provided for in preceding section, shall be given to the owner or his agent if known and a resident of said city, or left at his usual place of abode. If not known or a non-resident, notice to all parties concerned shall be given by publication in some newspaper published in said city for three successive weeks, said notice shall specify said building and the award of said jury. It shall also require the parties interested to appear by a day therein named and give notice to the common council by filing the same with the city clerk, of their election to either accept the award of the said jurors and allow such building to be taken with the land appropriated or of their intention to remove such building. They shall have such time for the removal thereof as the common council may allow.

Notice to be given.

SECTION 14. If the owner shall refuse to take the building at the value to him to remove, or fail to give notice of his election aforesaid within the time prescribed, the common council shall have power to direct the sale of such building at public auction for cash, giving ten days' notice of sale. The proceeds, deducting costs of sale, shall be paid to such owner or deposited in the treasury to his use.

When building may be sold.

SECTION 15. If the lands or buildings belong to different persons, or if the land be subject to lease, judgment or mortgage, or if there be any estate in it less than an estate in fee, the injury and benefits done to

When property belongs to different persons.

such persons or interests respectively shall be awarded by the jurors.

When under lease or o. n-tract.

SECTION 16. When the whole of any lot or tract of land or other premises under lease or other contract shall be taken by virtue of this act, all the covenants, contracts or engagements between the landlord and tenant or any other contracting parties touching the same or any part thereof, shall, upon the confirmation of such report of said jury, and taking of such lot or tract of land or other premises, by said city, respectively, cease and be absolutely discharged. When only a part of a lot or tract of land or other premises so under lease or other contract shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respecting the same, upon confirmation of said report, and the taking the same for such purpose by the city, shall be absolutely discharged as to the part so taken, but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved, payable and to be paid for or in respect to the same, shall be proportioned so that the part thereof justly and equitably payable for such residue thereof, and no more shall be paid or recoverable for or in respect to the same.

When owner under legal disability.

SECTION 17. When any known owner of lands or tenements affected by any proceedings under this act shall be an infant, or labor under any legal disability, the judge of the circuit court or county judge of said Grant county, may, upon application of the common council or such party or his next friend, appoint a guardian for such party, and all notices required by this act shall be served upon such guardian.

Survey to be made and recorded.

SECTION 18. Whenever any public grounds, streets, alleys, or highways shall be laid out, widened, or enlarged under the provisions of this act, the common council shall cause an accurate survey thereof to be made, filed, and recorded in the office of the city clerk.

Proceedings confirmed.

SECTION 19. All the proceedings of the president and trustees of the village of Platteville heretofore had in laying out streets and alleys are hereby confirmed. And all streets and alleys heretofore laid out and opened by the said president and trustees of the village of Platteville, except such as have been legally vacated, are hereby declared public highways.

To be deemed directory.

SECTION 20. All the foregoing directions given in this chapter shall be deemed directory, and no irregularity or informality in any of the proceedings un-

der the provisions of this chapter, not affecting substantial justice, shall in any way affect the validity of the proceedings.

SECTION 21. The common council shall have power, and are hereby authorized, to vacate in whole or in part such highways, streets, alleys, and public walks within the corporate limits of said city as in their opinion are of no public utility; *provided, however,* the necessity of vacating any such highways, streets, alleys, or public walks or any part thereof shall first be established by a verdict and report of a jury in a like manner as is provided for laying out public squares, grounds, and streets in this chapter. Council may vacate streets, etc.

SECTION 22. In all cases where land in the city shall hereafter be subdivided into lots or blocks, or where streets, alleys or public grounds shall be donated or granted to the public, the owner or owners thereof shall, in platting the same, cause the streets and alleys in such plat to correspond in width and general direction with the streets and alleys through the lots and blocks in said city adjacent to the lot or tract so platted, and shall submit such map or plat thereof to the common council for approval, and if such map or plat shall be approved by the common council, it shall be lawful for the party or parties making such map or plat to record the same and the evidence of approval in the manner prescribed by the laws of the state concerning town plats. But, except such plat shall be approved by resolution adopted by said common council, a copy of which, duly certified by the city clerk and corporate seal of said city, and affixed to said map or plat, it shall not be lawful for the register of deeds for said Grant county to receive such map or plat for record, or to record the same, and the same shall have no validity. All persons neglecting or refusing to comply with the requirements of this section shall forfeit and pay to said city a sum not less than fifty dollars nor more than two hundred dollars. And the register of deeds of said county, who shall record such map or plat without such copy of the resolution of the said common council approving the same, attached thereto as aforesaid, shall forfeit and pay the sum of not less than twenty-five dollars nor more than one hundred dollars. All forfeitures and liabilities which may be incurred and arise under and by virtue of this section shall be prosecuted for and recovered in the name of the city of Platteville, and paid into the city treasury. How lands shall be platted

CHAPTER IX.

CITY IMPROVEMENTS AND SPECIAL ASSESSMENT.

Sidewalks.

SECTION 1. Sidewalks shall be constructed, reconstructed, and repaired, upon the proper established grade of such width, in such manner, of such material and in such time as the common council by ordinance, resolution or order shall direct, by and at the expense of the owners of any lot or piece of ground in front of which such sidewalk shall be ordered. If such sidewalk shall not be constructed in the manner and within the time prescribed, the common council may cause the same to be done at the expense of the lot or lots or pieces of ground adjoining such sidewalk, but no sidewalk shall be ordered constructed unless upon petition of a majority of the resident owners of lots or lands adjacent to such sidewalk and a two-thirds vote of the aldermen elect. The contract for the construction of any such sidewalk shall be let to the lowest bidder and notice shall be given by publication in some newspaper published in said city, for at least two weeks (once each week), of the time, place, and manner of receiving such bids, or by posting three copies of such notice in three of the most public places in said city, at least fifteen days before the date fixed for receiving such bids; *provided*, that no such contract shall be let until thirty days after notice shall have been given to such owner or owners, or their agents if known, of the ordinance, resolution or order requiring the construction of such sidewalk, by publication of the same at least two weeks in some newspaper published in said city or by a personal service of a copy thereof upon them.

Streets and alleys.

SECTION 2. Opening, grading, working, graveling, planking, or paving streets and alleys to the center thereof shall be chargeable to and payable by the lots and parts of lots or pieces of ground fronting on such street or alley, but no street or alley shall be graded, graveled, planked, or paved unless upon the petition of a majority of the resident property holders interested therein and by a two-thirds vote of all the aldermen elect. The cost and expense of surveying streets, alleys, sewers, and of estimating work thereon in the execution of any public improvement shall be chargeable to and payable by the city. Gutters and sewers may be ordered by the common council and

built at the expense of the lots, parts of lots, or pieces of ground benefited thereby and fronting upon or abutting to the street along which said gutter or sewer shall be constructed; *provided*, that in all cases where improvements or work of any kind are charged by virtue of this section upon lots, parts of lots, or pieces of ground benefited, all such improvements across streets, alleys, and public grounds shall be made and paid out of the general fund of the city.

SECTION 3. Whenever the common council shall determine to make any public improvement as authorized by this chapter, they shall cause to be made an estimate of the whole expense thereof and of the proportion to be assessed and charged to each lot, part of lot, or piece of ground, and in case of grading streets, alleys, or sidewalks, of the number of cubic yards to be filled in or excavated in front of each lot, part of lot, or piece of ground, and such estimate shall be filed with the city clerk for the inspection of all parties interested. The common council shall give notice by advertisement in some newspaper published in said city, or by posting three notices thereof in three of the most public places in said city, and one in a conspicuous place in the room or chamber or place of meeting of said common council for ten (10) days, to the owners or occupants of the lots or parcels of land fronting on any street, alley, or sidewalk ordered to be graded, graveled, planked, paved or sewer or gutter to be constructed, requiring them to do the work mentioned in such notice within a reasonable time therein to be specified, and not less than thirty (30) days, and if the said work shall not be done within such time the common council shall enter into contract for the doing thereof. Such contract shall be let to the lowest bidder.

How public improvements to be made.

SECTION 4. The common council shall give notice to all owners or occupants of lots, pieces, or parcels of land within said city, which may be deemed injurious to health by reason of stagnant water remaining thereon, or other cause, if residents, personally, if non-residents, in some newspaper published in said city for two (2) weeks (once in each week), to abate such nuisance by draining or filling such lots pieces or parcels of land, within a reasonable time therein to be specified. And if such nuisance shall not be abated or removed within the time specified, the common council shall cause the said nuisance

Abatement of nuisances.

to be abated or removed at the expense of the property upon which the same may exist.

How work to
be done.

SECTION 5. All work provided for in this chapter shall be done under the supervision of the superintendent of streets, unless the common council shall otherwise order or direct, and shall be approved in writing by the mayor, street superintendent, and city surveyor, before it shall be accepted by the council. The street superintendent, by and with the approval of the mayor, is authorized and empowered, and it shall be part of his duties to contract with the lowest bidder for all material which the city may use in carrying out the provisions of this chapter; *provided, however,* no contract entered into by him shall be binding upon said city unless it shall have been first submitted to the common council and approved by the mayor.

How work to
be paid for.

SECTION 6. Whenever any work has been done under contract as provided in this act, and the work has been approved in writing by the mayor, street superintendent and city surveyor, and accepted by the common council, such contractor shall be entitled to a certificate therefor, which shall be signed by the mayor, street superintendent and city surveyor, and countersigned by the city clerk, and shall state the amount of work done by such contractor, the nature thereof, and the description of the lot or parcel of land upon which the same is chargeable. Said certificate may be transferred by indorsement, and shall be a lien upon said lot or parcel of land so chargeable, from the date of the contract under which said work was done; and if the amount thereof, with interest thereon from date at ten per cent. per annum, is not paid before the time of making out the annual levy of city taxes in November in each year, by the common council, such certificate may be filed with the city clerk, and the common council shall order the amount thereof to be assessed upon the lots, parts of lots or pieces of land respectively named and described in said certificates as a special tax, and to be collected therefrom, for the benefit of the holder of said certificate, as other taxes on real estate are collected under this act. If notice to do the work required shall have been given as herein required, no informality or error in the proceedings shall invalidate or vitiate such levy and assessment; *provided,* in no event, when work is ordered to be done at the expense of any lot or parcel of land, shall the city be held re-

sponsible for or on account thereof, or any proceedings for the collection or payment thereof.

SECTION 7. The common council may require, by such ordinances or general regulations as they may enact, the owners or occupants of lots, parts of lots or parcels of land in said city to cleanse and repair the sidewalks, streets and alleys, sewers and gutters adjacent thereto. If such owners or occupants shall fail, neglect or refuse to comply with such ordinance or regulation, after reasonable notice from the street superintendent, the superintendent of streets may employ any person or persons to do such work and pay therefor in certificates, as provided in section six of this chapter. And said common council may also, in and by such ordinance or regulation, impose a penalty for such failure, refusal or neglect of such owner or occupant not exceeding the sum of twenty dollars for each violation thereof, to be sued for and collected in the same manner as other penalties imposed under the provisions of this chapter.

Council may require cleansing and repair of sidewalks, alleys, etc.

CHAPTER X.

FINANCE AND TAXATION.

SECTION 1. All funds in the treasury shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the common council; and all orders drawn upon the treasurer shall specify the purpose for which they were drawn, and shall be payable generally out of any funds in the treasury belonging to the city, not otherwise appropriated. City orders shall be receivable for all city taxes except school and special taxes for bridges and school purposes, and except taxes levied for the payment of judgments against the city which shall be collected in money or orders drawn upon such funds respectively; *provided*, that the amounts or proceeds of all orders which shall be received in payment of taxes shall be credited to the several and respective funds on account of which said orders were issued. All orders shall be payable to the order of the person in whose favor they may be drawn, and shall be transferable by endorsement.

How moneys paid out.

SECTION 2. Said city shall constitute one road district in the town of Platteville, and shall be under the control of the common council, who shall possess

Highways.

all the powers, rights and liabilities of commissioners of highways in the several towns of this state. The street superintendent shall be ex-officio the overseer of highways in said city, and shall possess and discharge all the powers, duties, rights, and liabilities of an overseer of highways therein. The common council shall at their first meeting after the annual city election or at a subsequent meeting proceed and assess the highway tax in the city for the ensuing year, but said common council shall not extend the time for assessing such highway tax beyond the second Monday in May in any year. The city clerk shall, within three days after the passage of an order or resolution by the common council assessing the highway tax in said city make and file with the town clerk of the town of Platteville a certified copy thereof, and upon the receipt of said copy it shall be the duty of said town clerk to make out a tax-list showing the names of all persons liable to pay highway taxes in said city, which lists shall also contain a statement of all the taxable personal property, and a description of all lots or parcels of land within said city, with the value of each lot or parcel set opposite to such description as the same shall appear on the assessment roll, and shall set opposite to each person and corporation, and to each description of taxable property the amount of tax justly chargeable to each respectively under the order or resolution of said common council. The said town clerk shall make duplicates of said list, one of which lists shall be delivered to the city clerk for filing in his office, and the other with the warrant hereinafter provided for attached, to the street superintendent of said city. Before delivery of said tax list, the supervisors of said town shall annex thereto a warrant, signed by them, which shall be in substance in the following form, viz:

Form of warrant.

To A. B., street superintendent of the city of Platteville: You are hereby required to collect from the several persons and corporations named in the annexed tax list, and from the owners of the real estate described therein, the taxes set opposite to such persons, corporations, and property within the time limited by law, and to apply the taxes by you collected, and make due returns as the laws requires.

Dated this — day of —, 18—.

C. D.,
E. F.,
G. H., } Supervisors.

SECTION 3. All highway taxes assessed or payable on property or persons resident or being within said city, shall be expended on any and all the highways, streets, and bridges in said city, but not upon any sidewalk, crosswalk or alley. How tax expended.

SECTION 4. The common council shall have power, and it is hereby made their duty, in each year, to levy and assess upon the taxable property in said city such sum of money as taxes as shall be sufficient to pay and discharge the outstanding debt of the city, if any, and its expenses for the current year, after applying the money derived from other sources to such purposes, and no more. Levy of taxes

SECTION 5. All taxes raised and collected in the said city for the purposes authorized by the last preceding section, shall be levied and assessed upon the same kinds of property, real and personal, within the corporate limits of the said city, as taxes for town, county, and state purposes are levied and assessed. On what property levied.

SECTION 6. The common council of the said city shall, on or before the first Monday of November in each year by resolution to be entered on their records, determine the amount of such city taxes to be levied and assessed on the taxable property within the corporate limits of the city for the current year. And the city clerk shall thereupon on or before the third Monday of the same month of November in each year, deliver to the town clerk of the town of Platteville, in which said city is situated, a certified copy, under his hand and name, and the corporate seal of said city, of all resolutions of the said common council determining the amount of taxes to be levied and assessed for the current year, together with a concise description of all unpaid certificates of indebtedness for special assessments provided for in section 6 of chapter 9 of this act, which may or shall be on file in his office at the date of his said certificate. Said description shall contain a description of the lots, pieces or parcels of land chargeable therewith. How levy of taxes to be made.

SECTION 7. The town clerk or other proper officer, as the case may be, of the town in which said city is situated, shall assess, apportion, and carry out said city taxes *pro rata* according to the dollar valuation upon all the real and personal property liable therefor, in a separate column in the tax and assessment roll and warrant of his town next thereafter issued and delivered to the town treasurer of his town for Town clerk to assess taxes pro rata.

collection in the same manner as he shall assess, apportion, and carry out town, county, and state taxes. And if for any reason such city taxes shall not be assessed, apportioned, and carried out in said next assessment and tax roll and warrant as herein provided, it shall and may be assessed, apportioned, carried out, and collected in that of any succeeding year. The said town clerk or other proper officer aforesaid, as the case may be, shall assess and carry out in a separate column in the tax and assessment roll and warrant of his town in each year as aforesaid, all amounts so as aforesaid returned in each year by said city clerk as remaining unpaid for special assessments at the date of said certificate of said city clerk, opposite each lot, tract, piece, or parcel of land properly chargeable therewith. The said city taxes and said special assessments shall be in all respects collected or returned delinquent in the same manner as town, county, and state taxes are collected by law, and when collected shall be paid over by any officer collecting or receiving the same to the treasurer of said city. Any officer or other person who shall neglect or refuse on demand to pay over any such city taxes or special assessments, when collected or received by him in any manner to the said city treasurer, shall be liable to an action therefor, with twenty per cent. damages to be added thereto, to be sued for and recovered in the corporate name of said city, both against such defaulting officer or other person and his sureties.

Town assessor to assess city property separately.

SECTION 8. The town assessor of the town of Platteville, in which said city is situated, in assessing the taxable property in his town, in each year shall assess the taxable property, real and personal, within the corporate limits of the said city in one continuous part of his assessment roll, and foot up the valuation of all items of property assessed and valued by him within said limits.

Limit of expenditures and appropriations.

SECTION 9. The common council shall not have the power to issue any bonds or other evidences of debt, payable at a day subsequent to the date of the issue thereof, except in cases specially authorized by law; nor shall the common council issue in any one year orders upon the city treasury to an amount greater than the amount of taxes which may be levied under the provisions of this act; *provided*, that whenever it shall be necessary to rebuild or repair bridges, a special tax may be levied for such purpose, not exceeding one thousand dollars in any one year, and is-

sue orders therefor. Said special tax, when so levied shall be collected at the same time and with other city taxes.

SECTION 10. Real estate exempt from taxation by the laws of this state shall be subject to special assessments and taxes as other real estate under this act. Special assessments.

SECTION 11. All taxes and assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they are assessed from the time of the levy of the same, and on all personal property of any person or body politic, assessed for personal taxes, from the date of the warrant for the collection thereof until such tax is paid, and no sale or transfer of such real or personal estate shall affect said lien. Any personal property belonging to the person taxed may be taken and sold for the payment of taxes upon personal property. All the general laws of this state which now or may hereafter be in force relative to the assessment and collection of taxes, shall be in force in said city, except as herein otherwise specially provided. Taxes to be lien upon property.

SECTION 12. All directions hereby given for the assessing of, and levying and collecting of taxes and special assessments shall be deemed only directory, and no error, or informality, or irregularity in the proceedings of any of the officers intrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in anywise affect the validity of the tax or assessment. To be deemed directory.

CHAPTER XI.

DISQUALIFICATION AND IMPEACHMENTS.

SECTION 1. No member of the common council shall vote upon any question, matter or resolution in which he may be interested. Members of council not to be interested.

SECTION 2. No alderman shall be a party to, or interested in any job or contract with the city or any of the wards, and any contract in which any alderman may be so interested shall be null and void; and in case any money shall have been paid on any such contract, the common council may sue for and recover the amount so paid from the parties to such contract and the alderman interested in the same. Aldermen not to be interested in contract.

SECTION 3. If any member of the common council or other officer or agent of the city government shall directly or indirectly accept or agree to accept or re- Against bribery.

ceive any money, goods or chattels or bank note, bank bill, bond, promissory note, due bill, bill of exchange, draft, order or certificate, or any security for the payment of money or goods, or chattels, or any deed of writing containing a conveyance of land or conveying or transferring an interest in real estate or any valuable contract in force, or any other property or reward whatever, in consideration that such member of the common council or the officer or agent will vote affirmatively or negatively, or that he will not vote, or that he will use his interest or influence on any question, ordinance, resolution, contract, or other matter or proceeding pending before the common council, or on which such officer or agent may be called upon to decide or act in any particular manner, such member of the common council, officer or agent shall be removed from office, and his office declared vacant by the common council. And both he and the person or persons offering or paying such consideration, directly or indirectly, shall be deemed guilty of felony and on conviction thereof shall be punished by imprisonment in the state prison for not more than three years nor less than one year, or by fine not exceeding three thousand dollars nor less than three hundred dollars, or by both such fine and imprisonment at the discretion of the court.

Investigation
of charges
against officers.

SECTION 4. Whenever any charges of official misconduct shall be preferred against any member of the common council or any officer of the city, the council shall proceed to investigate such charges, and may compel the attendance of witnesses, and examine the same under oath.

Subpœnas.

SECTION 5. Subpœnas may be issued for the purpose of procuring the attendance of witnesses before them. Each subpœna shall state when and where the witness is required to attend and testify, and may require such attendance forthwith or on a future day named, and the production of books, records, documents, and papers therein to be designated. All such subpœnas shall be signed by the city clerk of said city, and shall be issued under the seal of said city, and may be served in the same manner and have the same force and effect as subpœnas issued out of the circuit court. Any wilful or corrupt false swearing by any witness or person giving testimony before the said council, on making deposition to any material fact relating to the matter under investigation before the said council, shall be deemed guilty

of perjury, and shall be punished in such manner as the law directs. The provisions of law in respect to the attachment of witnesses subpoenaed before a justice of the peace and compelling the attendance of such witnesses to appear and testify before them are hereby applied to the case of witnesses subpoenaed before the common council, and the council may exercise the powers of arrest, fine, and imprisonment for contempt, vested in the court in such cases. Writs of attachment and commitment for contempt shall be signed by the mayor and city clerk and sealed with the corporate seal of the city.

CHAPTER XII.

ACTIONS TO RECOVER PENALTIES.

SECTION 1. All actions brought to recover any penalty or forfeiture under this act or the ordinances, by-laws or police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city, and be civil actions. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the chapter and section of this act or the section of the ordinance, by-law or regulation under which the penalty or forfeiture is claimed, together with a concise statement of the facts constituting the offense.

Actions to be brought in corporate name of city.

SECTION 2. In all prosecutions for the violation of any of the provisions of this act or any by-law or ordinance or regulation, the first process shall be by summons, unless oath be made for a warrant, as in cases of tort before justices of the peace under general statute of the state for the time being.

How prosecution conducted.

SECTION 3. When the action is commenced by summons such summons may be substantially in the following form:

Form of summons.

County of Grant. }
City of Platteville, } ss.

The State of Wisconsin.

To the sheriff, any constable of said county, or the chief of police of the city of Platteville:

You are hereby commanded to summon A. B., if he shall be found within your county, to appear before the undersigned, one of the justices of the peace in and for said county, at his office in said city on the — day of — 18—, at — o'clock in the —

nance or by-law or regulation of said city, describing it by its title, and also insert section and a concise statement of the facts constituting the violation complained of) which said — is now in force as this complainant verily believes: and prays that said A. B. may be arrested and held to answer to said city of Platteville, therefor.

Sworn and subscribed before me, this — day of —, 18—.

C. D., Justice of the Peace, or Notary Public.

It shall be sufficient to give the number of the section and chapter of this act, or the section of the ordinance, by-law or regulation violated, or particular part thereof in the foregoing forms of complaint, and such complaints may be sworn to before any justice of the peace or notary public residing in said city. Upon the filing of such complaint with the justice of the peace having jurisdiction of such action, he shall issue a warrant substantially in the following form:

Form of warrant.

State of Wisconsin, County of Grant, City of Platteville, ss.

The State of Wisconsin to the sheriff or any constable of said county, and to the chief of police of the city of Platteville, greeting:

Whereas, — — has this day complained to me in writing on oath that A. B. on or about the — day of —, 18—, did violate (here insert complaint, substantially, whatever it may be), which said — is now in force as the complainant verily believes; therefore, you are commanded to arrest the body of the said A. B. and bring him before me forthwith to answer to the city of Platteville on the complaint aforesaid.

Dated this — day of —, 18—, at said city.

C. D. Justice of the Peace.

Upon the return of the warrant, the justice may proceed summarily with the case, unless it be adjourned by consent or for cause. If the case be adjourned at the instance of the defendant, the defendant shall be required by the court to recognize with security to be approved by the court, for his or her appearance, in such sum as the court shall direct, or in default thereof, may be put in charge of the officer who made the arrest, or be committed to the common jail of Grant county. In all cases brought to recover for any fine, penalty, or forfeiture, under the provisions of this act or any ordinance, by-law, rule, or regulation, passed by the common council of said

Defendant to give bail.

city, the answer of not guilty shall put in issue all subject matter embraced in the action.

Proof of publication.

SECTION 7. A printed copy of an ordinance, by-law, rule, or regulation, passed by the common council and published in a newspaper or in pamphlet or book form, purporting to be published by authority of the common council or certified by the city clerk to have been so published shall be *prima facie* evidence of its passage and publication and shall be received in evidence on the trial of all cases cognizable before any court in this state.

Advance payment to witnesses and jurors not required.

SECTION 8. Witnesses and jurors shall attend before a justice of the peace in all city suits without the payment of fees in advance or a tender thereof upon process duly served, and in default thereof may be compelled by attachment.

Findings and judgments.

SECTION 9. In city prosecutions the findings of the court or jury shall be either for such fine, penalty, or forfeiture or such portion thereof as shall be just and right, as shall be prescribed in this act or in the ordinance, by-law, or regulation, for the violation of which the defendant shall be adjudged guilty or not guilty. If guilty the court shall render judgment thereon against the defendant for the fine, penalty, or forfeiture, prescribed in this act or in the ordinance, by-law, or regulation, for the violation of which the person or persons shall have been adjudged guilty according to such finding or verdict, and for costs of suit. But if not guilty the costs of suit shall be taxed against the city. Upon the rendition of judgment against the defendant and the non-payment thereof, the justice before whom the action shall have been tried shall forthwith issue execution, as in other cases in tort, in case the action was commenced by summons or a commitment, in case it is commenced by warrant and shall in either case determine and enter upon his docket the length of time the defendant shall be imprisoned for non-payment, which in no case shall exceed three months, and shall also insert such time in the execution or commitment. Such execution may be in the following form:

When execution to be issued.

Form of execution.

“County of Grant, City of Platteville, ss.:

“The State of Wisconsin,

“To the sheriff, any constable of said county, or the chief of police of the city of Platteville, and to the keeper of the common jail of said county, greeting:

“Whereas, The said city of Platteville, on the —

day of —, 18—, recovered a judgment before the undersigned, one of the justices of the peace of said county, residing in said city, against — —, for the sum of — dollars and — cents, together with — dollars and — cents costs of suit, for the violation of (insert complaint whatever it may be) and you are hereby commanded to levy distress of the goods and chattels of said — —, except such as as the law exempts, and make sale thereof, according to law, to the amount of said sums, together with your fees and twenty-five cents for this writ, and the same return to me in thirty days; and for want of such goods and chattels whereon to levy, to take the body of said — —, and him convey and deliver to the keeper of the common jail of said Grant county; and said keeper is hereby commanded to receive and keep in custody in said jail the said — —, for the term of —, unless the said judgment, together with all costs and fees, are sooner paid, or he be discharged by due course of law.

“Given under my hand this — day of —, 18—.
“C. D., Justice of the Peace.”

The term of the commitment shall be substantially the same as that of the execution omitting all that relates to levy and sale and return of the writ.

SECTION 10. Any defendant feeling aggrieved by the judgment of a justice of the peace in any action commenced under the provisions of this act by summons or warrant may appeal from such judgment to the circuit court of Grant county; *provided*, such defendant within twenty-four hours after the entry of such judgment shall enter into a recognizance with one or more sureties to be approved by said justice, conditioned to appear before said circuit court and abide the judgment of the court therein. The justice from whose judgment an appeal shall be taken, shall make a special return of the proceedings had before him and shall within twenty days after the filing of such recognizance with him, cause the summons or warrant and return, together with his said return of proceedings and a copy of the entries on his docket in the action, together with the recognizance to be filed in the office of the clerk of said circuit court.

Appeal to circuit court.

SECTION 11. Said appeal shall stand for trial by jury unless a jury be waived in the manner provided by law, in said circuit court.

Appeal triable by jury.

SECTION 12. If the judgment of the justice shall be affirmed, or if on trial the defendant shall be convicted,

When judgment is affirmed.

the court shall inflict the fine, penalty or forfeiture provided by this act, or the ordinances, by-law, or regulation, or resolution under which he or they are prosecuted, and enter judgment against him or them, and their surety or sureties for such penalty, together with costs in both courts, and enforce the same by execution as in actions of tort.

Being resident not to disqualify as witness or juror.

SECTION 13. No person shall be an incompetent judge, justice, juror, or witness, by reason of his being an inhabitant of said city, in any proceeding or action in which said city may be interested.

Village ordinances, etc, to remain in force.

SECTION 14. All ordinances, rules, by-laws or regulations now in force, in the village of Platteville, and not inconsistent with this act, shall remain in force until altered, modified or repealed by the common council after this act shall take effect.

Actions of village to be vested in city.

SECTION 15. All actions, rights, penalties, fines, and forfeitures in suits or otherwise, which have arisen or accumulated under the charter of the village of Platteville, shall be vested in and prosecuted for the use and benefit of the corporation hereby created.

Service of summons and complaint.

SECTION 16. When any suit or action shall be commenced against said city, the service of the summons and complaint therein may be made by leaving a true copy thereof, duly endorsed with the date of the service thereof by the officer or person making such service, with the mayor or city clerk of said city and it shall be the duty of the said mayor or city clerk so served, forthwith to inform the city attorney thereof, or to take such action or proceedings as by ordinance, rule, or resolution of said common council may be in such cases provided.

Penalties to be paid into city treasury.

SECTION 17. All penalties and forfeitures recovered and collected under and by virtue of this act shall be paid into the city treasury for the use and benefit of said city, except as provided in the chapter of this act in relation to the fire department.

Fire apparatus exempt from attachment.

SECTION 18. All fire engines, hose, hose-carts, hooks and ladders and wagons therefor, and all other apparatus and implements used to extinguish fires, and all houses, lots, or buildings occupied by said city for such engines, hose, hose-carts, hook and ladders, and other apparatus and implements, shall be exempt from attachment or execution issued in any action or on any judgment wherein the said city shall be a party.

Private property not liable for city debt.

SECTION 19. No real or personal property of any inhabitant of said city, or of any individual firm or

corporation, shall be levied on or sold by virtue of any attachment or execution issued to collect or satisfy any contract, debt or obligation of said city, or any judgment against the same.

CHAPTER XIII.

MISCELLANEOUS.

SECTION 1. All contracts for work ordered by the common council shall be let to the lowest bidder who shall have complied with the requirements hereinafter set forth. All bids or proposals shall be sealed and directed to the common council, and shall be accompanied with a bond to the city of Platteville in the penal sum of one-third of the city's estimate of the cost of the work, which bond shall be signed by the bidder and by two or more responsible sureties, who shall each make affidavit that he is worth the penal sum of such bond over and above all his debts, liabilities, and exemptions; such bond and sureties to be approved by the common council before the opening of the accompanying bids or proposals, and shall be conditioned that such bidder will execute and perform the work for the price mentioned in the proposal and according to the plans and specifications on file, in case the contract shall be awarded to him; and in case of default on his part to execute a contract with sufficient sureties, and to perform the work specified, said bond may be prosecuted in the name of the city and judgment recovered thereon for the full amount of the penalty thereof as fixed and liquidated damages, in any court having jurisdiction of the action.

Contracts for work.

SECTION 2. No contract shall be entered into by the city unless the same shall be executed by two or more sureties for the contractor, guaranteeing to the satisfaction and approval of the proper authorities the performance of the contract by the contractor, each of which sureties shall make affidavit, indorsed on or attached to said contract, that he is worth the estimated amount of money to be paid on such contract, over and above all his debts, liabilities, and exemptions. Whenever the lowest bid for any work to be let by the said city shall appear to the common council to be unreasonably high, the said council is authorized to reject all bids therefor and let the work anew.

Contractor to give sureties.

Precautions
against acci-
dents.

SECTION 3. Whenever the city shall let any work or improvement which shall require the digging up, use or occupancy of any street, alley, highway or public ground within said city, there shall be inserted in the contract therefor, substantial covenants requiring such contractors during the night time, and during all times when work is suspended, to put up and to maintain barriers and lights as will effectually prevent the happening of any accident in consequence of such digging up, use or occupancy of said street, alley, highway or public ground for which the city might be liable, and also such other and further covenants and conditions as experience has proved or may prove necessary to save the city harmless from damages. And it shall also be provided in such contracts that the party contracting with the city shall be liable to said city for all damages occasioned by the digging up, use or occupancy of the street, alley, highway or public ground, or which may result therefrom, or which may result from the carelessness of such contractor or his agent, employes or servants.

Contractor to
indemnify city
against costs.

SECTION 4. Whenever any work or improvement shall be let by contract to any person or persons, firm or corporation, covenants shall be inserted in such contract binding such person or persons, firm or corporation, and their sureties, to save and indemnify and keep harmless the said city against all liabilities, judgments, costs and expenses which may in anywise come against the said city in consequence of the granting such contract, or which may in anywise result from the negligence or carelessness of such person or persons, firm or corporation, or his, their or its agents, employes or workmen in any respect whatever.

How moneys
appropriated.

SECTION 5. No moneys shall be appropriated for any purpose whatever except such as are expressly authorized this by act.

How penalty
or judgment
remitted.

SECTION 6. No penalty or judgment recovered in favor of the city shall be remitted or discharged except by an unanimous vote of the common council, and entered of record.

Re-survey of
city and estab-
lishment of
landmarks.

SECTION 7. The common council may at any time appoint three commissioners, who shall be resident freeholders in said city, who, with the assistance and under the supervision of the city surveyor, or such other assistant surveyors as the common council may appoint, shall cause a new and accurate survey to be made of the lines and boundaries of all the streets, alleys, highways, public grounds, lots, blocks, and

tracts of land within said city, and shall cause to be established such permanent monuments, or landmarks, as they may deem necessary, and cause an accurate plat or plats thereof to be made and certified to by the said surveyor and commissioners, which, when approved by the common council, shall be filed with the city clerk of said city, and it shall become and be deemed a public record in all courts and places. A copy of said plat or plats shall after the approval thereof by said common council, be recorded in the office of the register of deeds in said Grant county.

SECTION 8. The survey, landmarks, monuments and plats so made, certified, approved and recorded shall be conclusive evidence of the lines and boundaries of all streets, alleys, highways, public grounds and blocks in said city in all cases in which they shall be drawn into controversy in all courts of this state, and shall be prima facie evidence of the lines and boundaries of all lots and tracts of land owned by individuals. Landmarks to be evidence.

SECTION 9. The common council may, at such times as they may deem proper, establish the grades of all streets, alleys, sidewalks and crosswalks in said city or any, or either of them, and shall cause accurate profiles thereof to be made, which shall be filed in the office of the city clerk, open for the inspection of the citizens of said city; and should the grade so established be at any time thereafter altered, all damages, costs, and charges, arising therefrom, shall be paid by the city to the owners of the lots, or parcels of land, or tenements which may be affected or injured in consequence of the alteration of such grade. Grading of streets, etc.

SECTION 10. The said city may have, purchase or hold real and personal estate sufficient for the convenience or interests of the inhabitants thereof, and may sell and convey the same; and the same, while owned by the city, shall be exempt from taxation. City may hold real estate.

SECTION 11. When the city of Platteville deeds or leases any real estate or any interest therein owned by said city, the party of the first part shall be the city of Platteville, and the person or persons authorized to execute such deed or lease need not be named in the body thereof. Deed to be in name of city.

SECTION 12. The mayor of said city is hereby authorized, when the common council shall so direct, and shall by ordinance or resolution describe the real estate and the interest to be conveyed, to execute a deed or lease of the real estate or interest therein be- Mayor to execute deeds and leases.

longing to said city. The said deed or lease shall be signed by the mayor of the said city, and countersigned by the city clerk and sealed with the corporate seal of said city, and duly witnessed and acknowledged as is provided for execution of deeds and conveyances by the general laws of this state.

Clerk to attach copy of ordinance to deed or lease.

SECTION 13. When any such deed or lease is so executed, the city clerk shall attach to such deed or lease a true copy by him duly certified of the ordinance or resolution aforesaid, and the same shall be recorded by the register of deeds with the said deed or lease; and such copy so attached and the record thereof shall in all courts and places in this state be prima facie evidence of the authority of the mayor to make and execute such deed or lease.

When election not held at time provided.

SECTION 14. If any election by the people or common council shall for any cause not be held at the time or in the manner herein prescribed, or if the common council shall fail to organize as herein prescribed and provided, it shall not be considered reason for arresting, suspending or abolishing said corporation, but such election or organization may be had at any subsequent day by order of the mayor, and if any of the duties enjoined by this act or the ordinances, rules, by-laws, regulations or resolutions of said city to be done by any officer at a specified time, and the same are not then done or performed, the common council may appoint another time at which said act may be done and performed.

This act not to be affected by general laws.

SECTION 15. No general law of this state contravening the provisions of this act shall be considered or construed as repealing, annulling or modifying the same, unless such purpose be expressly set forth in such law as an amendment to this charter.

Streets, etc. under jurisdiction of corporate authorities.

SECTION 16. All streets, alleys, public grounds, highways and bridges in the city of Platteville, shall be under the jurisdiction of the corporate authorities thereof.

Repeal of chap. 63, laws of 1861.

SECTION 17. Chapter sixty-three (63) of the laws of the State of Wisconsin, enacted in the year 1861, entitled "An act to incorporate the village of Platteville," and all other acts or parts of acts inconsistent and conflicting with the provisions of this act, are hereby repealed. But the repeal of said acts or parts of acts shall not in any manner affect, injure, or invalidate any contract, act or suits, claims, penalty, forfeitures, or demands that may have been entered into, performed, commenced, or that may exist under

or by virtue, or in pursuance of the said acts or any of them, but the same shall exist, be prosecuted, be in force and carried out and be completed as fully and effectually to all intents and purposes as if this act had not been passed. All real and personal property belonging to said village of Platteville shall vest in and become the property of the city of Platteville.

SECTION 18. This act is hereby declared a public act, and shall be liberally construed in all the courts of this state. Nature of act.

SECTION 19. Within ten (10) days after the election of a mayor, chief of police, justice of the peace or supervisors, or the appointment of a city clerk or city attorney, under the provisions of this act, the city clerk shall make a return thereof to the clerk of the circuit court of Grant county, under his hand and the corporate seal of said city. Duty of city clerk.

SECTION 20. This act shall be in force and take effect from and after its passage and publication.

Approved March 3, 1876.

CHAPTER 104.

[Published March 8, 1876.]

AN ACT relating to the change of venue in civil cases.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Any party to a civil action, in any circuit court of this state, shall be entitled to a change of the place of trial of said action, upon making and filing his affidavit that he has good reason to believe, and does believe that he cannot have a fair trial in said action, on account of the prejudice of the judge. If such application shall be made for such change of the place of trial of said action after the case has been continued once, or more, it shall only be granted upon the terms of paying the costs of the term. No costs for the attendance of witnesses shall be included in the costs of the term, if a copy of the affidavit, upon which the application shall be based, shall have been served upon the opposite party, with notice of the intended application, ten days before the commencement of the term. Change of venue.
Costs to be paid after continuance.